

**Supplemental  
Notice of Allowability**

Application No.

10/032,518

Examiner

GREG BENGZON

Applicant(s)

LURIE, STEVEN

Art Unit

2444

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment/Req. Reconsideration-After Non-Final Reject filed 09/02/2010.
2. ☒ The allowed claim(s) is/are Claims 1,4-5,9-10,21,24-25,29-30,46-48 renumbered Claims 1-13 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 09/02/2010
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date October 1, 2010.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jim Soong, Reg.No. 40824 on October 1, 2010.

The application has been amended as follows:

#### **IN THE CLAIMS:**

1. (Currently Amended) A method implemented on a data processing system, the method comprising:  
  
storing, in a database coupled to the data processing system, information about a set of service providers, the information including a service offer from each of the service providers to provide a separate service to customers over a communication connection provided by the data processing system and a price specified by a respective service provider for the service;  
  
providing, by the data processing system, a list of service providers, based on the information stored in the database, to a service seeker via an internet connection, the list indicating individually service offers from the list of service providers and whether each service provider in the list of service

providers is currently available to provide live advice to the service seeker at a time when the service seeker is viewing the list;

receiving, by the data processing system from a service seeker, an appointment request for a live advice communication with a selected service provider during a service seeker specified appointment time, after the service seeker selects the selected service provider from the list;

communicating, by the data processing system, with the selected service provider to determine whether the selected service provider is available during the service seeker specified appointment time;

scheduling, by the data processing system, a live advice communication appointment between the service seeker and the selected service provider, after the selected service provider accepts the appointment request;

at the service seeker specified appointment time, initiating by the data processing system a first real time communication connection with the selected service provider;

establishing, by the data processing system, a second real time communication connection with the service seeker;

after establishing the first real time communication connection with the selected service provider,

connecting the first and second real time communication connections by the data processing system to allow the selected service provider to

provide live advice to the service seeker at the scheduled appointment,  
monitoring, by the data processing system, time spent on the live advice,  
and  
billing, by the data processing system, the service seeker on behalf of the selected service provider based on the time spent on the live advice; and  
if at the service seeker specified appointment time the selected service provider is unavailable for the first real time communication connection,  
identifying, by the data processing system, a relevant field of service of the selected service provider based on the information stored in the database,  
determining, by the data processing system, a highest ranking service provider in the relevant field of service as an alternative to the selected service provider when the selected service provider is unavailable, and  
connecting, by the data processing system, the service seeker to the highest ranking service provider in the relevant field of service, wherein the highest ranking service provider is identified, by the data processing system, based on a quantitative rating system;

once the real time communication between the service seeker and the  
highest ranking service provider is complete, providing the service  
seeker with a gift from the initially selected service provider.

2-3. (Canceled)

4. (Previously Presented) The method of claim 1, wherein scheduling the appointment request further comprises:  
requesting a deposit from the service seeker;  
once the deposit is received from the service seeker, verifying a telephone number of the service seeker; and  
once the service seeker telephone number is verified, sending an appointment request confirmation to the service seeker.

5. (Original) The method of claim 1, wherein scheduling the live advice communication appointment further comprises:  
determining whether an appointment acceptance is received from the selected service provider;  
once the appointment acceptance is received from the selected service provider, sending an appointment confirmation to the service seeker; and  
sending an appointment confirmation to the selected service provider.

6-7. (Canceled)

8. (Canceled)
9. (Previously Presented) The method of claim 1, further comprising:  
when the selected service provider is engaged in a separate live advice  
communication during the service provider system communication  
connection, notifying the selected service provider of the scheduled advice  
communication appointment;  
receiving a response from the selected service provider to accept/reject the  
appointment notification;  
when the selected service provider accepts the appointment notification,  
terminating the live advice communication with a current service seeker;  
and  
once the advice communication is terminated, separately establishing a real time  
communication connection between the selected service provider and the  
service seeker for a live advice communication.
10. (Previously Presented) The method of claim 1, wherein scheduling the  
appointment request further comprises:  
generating a service seeker appointment alert within an appointment screen of  
the selected service provider, wherein the appointment screen includes a  
list of each service provider accepted appointment and a list of alerts for  
each pending appointment requests received by the selected service  
provider.

Art Unit: 2444

11-20. (Canceled)

21. (Currently Amended) A nontransitory computer readable storage medium embodying instructions, the instruction causing a data processing system to perform a method, the method comprising:
- storing, in a database coupled to the data processing system, information about a set of service providers, the information including a service offer from each of the service providers to provide a separate service to customers over a communication connection provided by the data processing system and a price specified by a respective service provider for the service;
- providing, by the data processing system, a list of service providers, based on the information stored in the database, to a service seeker via an internet connection, the list indicating individually service offers from the list of service providers and whether each service provider in the list of service providers is currently available to provide live advice to the service seeker at a time when the service seeker is viewing the list;
- receiving, by the data processing system from a service seeker, an appointment request for a live advice communication with a selected service provider during a service seeker specified appointment time, after the service seeker selects the selected service provider from the list;

Art Unit: 2444

communicating, by the data processing system, with the selected service provider to determine whether the selected service provider is available during the service seeker specified appointment time;

scheduling, by the data processing system, a live advice communication appointment between the service seeker and the selected service provider, after the selected service provider accepts the appointment request;

at the service seeker specified appointment time, initiating by the data processing system a first real time communication connection with the selected service provider;

establishing, by the data processing system, a second real time communication connection with the service seeker;

after establishing the first real time communication connection with the selected service provider,

connecting the first and second real time communication connections by the data processing system to allow the selected service provider to provide live advice to the service seeker at the scheduled appointment,

monitoring, by the data processing system, time spent on the live advice,

and



billing, by the data processing system, the service seeker on behalf of the selected service provider based on the time spent on the live advice; and

if at the service seeker specified appointment time the selected service provider is unavailable for the first real time communication connection, identifying, by the data processing system, a relevant field of service of the selected service provider ~~base~~ based on the information stored in the database,

determining, by the data processing system, a highest ranking service provider in the relevant field of service as an alternative to the selected service provider when the selected service provider is unavailable, and

connecting, by the data processing system, the service seeker to the highest ranking service provider in the relevant field of service, wherein the highest ranking service provider is identified, by the data processing system, based on a quantitative rating system;

once the real time communication between the service seeker and the highest ranking service provider is complete, providing the service seeker with a gift from the initially selected service provider.

Art Unit: 2444

24. (Previously Presented) The computer readable storage medium of claim 21, wherein scheduling the appointment request further comprises:
- requesting a deposit from the service seeker;
  - once the deposit is received from the service seeker, verifying a telephone number of the service seeker; and
  - once the service seeker telephone number is verified, sending an appointment request confirmation to the service seeker.
25. (Original) The computer readable storage medium of claim 21, wherein scheduling the live advice communication appointment further comprises:
- determining whether an appointment acceptance is received from the selected service provider;
  - once the appointment acceptance is received from the selected service provider, sending an appointment confirmation to the service seeker; and
  - sending an appointment confirmation to the selected service provider.
- 26-27. (Canceled)
28. (Canceled)
29. (Previously Presented) The computer readable storage medium of claim 21, further comprising:

when the selected service provider is engaged in a separate live advice communication during the service provider system communication connection, notifying the selected service provider of the scheduled advice communication appointment;

receiving a response from the selected service provider to accept/reject the appointment notification;

when the selected service provider accepts the appointment notification, terminating the live advice communication with a current service seeker; and

once the advice communication is terminated, separately establishing a real time communication connection between the selected service provider and the service seeker for a live advice communication.

30. (Previously Presented) The computer readable storage medium of claim 21, wherein scheduling the appointment request further comprises:
- generating a service seeker appointment alert within an appointment screen of the selected service provider, wherein the appointment screen includes a list of each service provider accepted appointment and a list of alerts for each pending appointment requests received by the selected service provider.

31-45. (Canceled)

Art Unit: 2444

46. (Currently Amended) A system comprising:

a memory to store a database of information about a set of service providers, the information including a service offer from each of the service providers to provide a separate service to customers over a communication connection provided by the data processing system and a price specified by a respective service provider for the service; and

a processor coupled to the memory to:

provide a list of service providers, based on the information stored in the database, to a service seeker via an internet connection, the list indicating individually service offers from the list of service providers and whether each service provider in the list of service providers is currently available to provide live advice to the service seeker at a time when the service seeker is viewing the list;

receive, from a service seeker, an appointment request for a live advice communication with a selected service provider during a service seeker specified appointment time, after the service seeker selects the selected service provider from the list;

communicate with the selected service provider to determine whether the selected service provider is available during the service seeker specified appointment time;

schedule a live advice communication appointment between the service seeker and the selected service provider, after the selected service provider accepts the appointment request;

at the service seeker specified appointment time, initiate a first real time communication connection with the selected service provider;

establish a second real time communication connection with the service seeker;

after establishing the first real time communication connection with the selected service provider,

connect the first and second real time communication connections to allow the selected service provider to provide live advice to the service seeker at the scheduled appointment,

monitor time spent on the live advice, and

bill the service seeker on behalf of the selected service provider based on the time spent on the live advice; and

if at the service seeker specified appointment time the selected service provider is unavailable for the first real time communication connection,

identify a relevant field of service of the selected service provider based on the information stored in the database,

determine a highest ranking service provider in the relevant field of service as an alternative to the selected service provider when the selected service provider is unavailable, and connect the service seeker to the highest ranking service provider in the relevant field of service, wherein the highest ranking service provider is identified, by the data processing system, based on a quantitative rating system; once the real time communication between the service seeker and the alternate service provider is complete, the third unit is to provide the service seeker with a gift from the initially selected service provider.

47. (Previously Presented) The system of claim 46, wherein the processor is to further:  
request a deposit from the service seeker;  
once the deposit is received from the service seeker, verify a telephone number of the service seeker; and  
once the service seeker telephone number is verified, send an appointment request confirmation to the service seeker.
48. (Previously Presented) The system of claim 46, wherein the processor is to further:  
determine whether an appointment acceptance is received from the selected service provider;

Art Unit: 2444

once the appointment acceptance is received from the selected service provider,  
send an appointment confirmation to the service seeker; and  
send an appointment confirmation to the selected service provider.

49. (Canceled)

50. (Canceled)

***Allowable Subject Matter***

Claims 1,4-5,9-10,21,24-25,29-30,46-48 are allowed.

The following is an examiner's statement of reasons for allowance:

The provision for --- an apparatus and method for scheduling live advice communication with a selected service provider, comprising:

*at the service seeker specified appointment time, initiating by the data processing system a first real time communication connection with the selected service provider;*

*if at the service seeker specified appointment time the selected service provider is unavailable for the first real time communication connection, identifying, by the data processing system, a relevant field of service of the selected service provider based on the information stored in the database,*

*determining, by the data processing system, a highest ranking service provider in the relevant field of service as an alternative to the selected service provider when the selected service provider is unavailable, and connecting, by the data processing system, the service seeker to the highest ranking service provider in the relevant field of service, wherein the highest ranking service provider is identified, by the data processing system, based on a quantitative rating system;*

*once the real time communication between the service seeker and the highest ranking service provider is complete, providing the service seeker with a gift from the initially selected service provider*

-- wherein all the features previously described in the claims are combined in one singular embodiment, is not fairly taught or suggested by the prior art of record.

The Examiner finds particular novelty in the method for scheduling live advice communication with a selected service provider as described in the Applicant Specification (page 12 Paragraph 67, page 31 Paragraph 132-133 ) wherein the method enables both service seekers and service providers to engage in live advice communications at a mutually agreed upon appointment time. This provides both service seekers and service providers with the flexibility to engage in live advice communications at mutually beneficial times. This appointment request option can overcome problems with extremely popular service providers which are in high demand



Art Unit: 2444

from users of the service provider system. In addition, it enables service providers to engage interests in the various fields of service offered from the service provider system. Moreover, the methods ensure that service seekers will be able to communicate with selected service providers during situations where the service provider is unavailable at a time when a service seeker accesses the service provider system. Finally, the method provides a mechanism for penalizing service providers that fail to honor accepted appointments and compensating the service seeker for agreeing to engage in live communication with the alternate service provider.

Pugliese disclosed wherein shoppers are given rewards offered by the loyalty programs. Typical loyalty program offerings include coupon-based programs; rebates based on inventory and points accumulation programs for future product or service redemption. However Pugliese does not disclose penalizing the initially selected service provider for not being available at the appointment time and compensating the service seeker for agreeing to engage in live communication with the alternate service provider.

Whyel disclosed scheduling appointments/reservations with multiple, diverse Service Providers at a central location, in real-time. However Whyel does not disclose penalizing the initially selected service provider for not being available at the appointment time and compensating the service seeker for agreeing to engage in live communication with the alternate service provider.

Itzhaki disclosed wherein counselors can become members of the service by registering at the service's web site. The web site presents a plurality of pages to a prospective member requesting information about the counselor. Selecting the "Schedule" button displays that counselor's schedule page to the client. An exemplary schedule page is depicted in FIG. 11. To schedule an appointment, the client selects either the "Talk Now" link for an immediate appointment, or else enters the date, time, and desired duration for a future appointment. However Itzhaki does not disclose penalizing the initially selected service provider for not being available at the appointment time and compensating the service seeker for agreeing to engage in live communication with the alternate service provider.

Nolte disclosed a search engine or e-commerce web site, which has by inference determined that the user might like to interact with a resource provider. Nolte automatically initiates a telecommunication session between that resource provider and the patron. However Nolte does not disclose penalizing the initially selected service provider for not being available at the appointment time and compensating the service seeker for agreeing to engage in live communication with the alternate service provider.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2444

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG BENGZON whose telephone number is (571)272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Bengzon/  
Examiner, Art Unit 2444

Application/Control Number: 10/032,518  
Art Unit: 2444

Page 20